



Haryana Government Gazette

Published by Authority

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No. 34-2015] CHANDIGARH, TUESDAY, AUGUST 25, 2015 (BHADRA 3, 1937 SAKA)

PART - IV

Republication of Act, Bills, Ordinances etc. and Rules thereunder

Assented to on 8th December, 2014
Act No. 30 of 2014

THE INDIAN INSTITUTES OF INFORMATION TECHNOLOGY ACT, 2014

AN
ACT

to declare certain institutions of information technology to be institutions of national importance, with a view to develop new knowledge in information technology and to provide manpower of global standards for the information technology industry and to provide for certain other matters connected with such institutions or incidental thereto.

Be it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Indian Institutes of Information Technology Act, 2014.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration
of certain
institutions as
institutions of
national
importance.

2. Whereas the objects of the Institutes mentioned in the Schedule are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) “Board”, in relation to any Institute, means the Board of Governors referred to in sub-section (1) of section 13;

(b) “Chairperson” means the Chairperson of the Board of Governors appointed under sub-section (2) of section 13;

(c) “Council” means the Council established under sub-section (1) of section 40;

(d) “Director” means the Director of the Institute;

(e) “existing Institute” means the institute mentioned in column (3) of the Schedule;

(f) “Institute” means any of the institutions mentioned in column (5) of the Schedule;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “Schedule” means the Schedule to this Act;

(i) “Senate”, in relation to any Institute, means the Senate thereof;

(j) “Statutes” and “Ordinances”, in relation to any Institute, means the Statutes and Ordinances of the Institute made under this Act.

CHAPTER II

THE INSTITUTES

Incorporation
of Institutes.

4. (1) On and from the commencement of this Act, every existing Institute, shall be a body corporate by the same name as mentioned in column (5) of the Schedule.

(2) Every existing Institute referred to in column (5) of the Schedule shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

Effect of
incorporation
of Institutes.

5. On and from the commencement of this Act,—

(a) any reference to a Society in any contract or other instrument shall be deemed as a reference to the corresponding Institute mentioned in column (5) of the Schedule;

(b) all properties, movable and immovable, of or belonging to every existing Institute shall vest in the corresponding Institute mentioned under column (5) of the Schedule;

(c) all rights and debts and other liabilities of every existing Institute mentioned in column (3) of the Schedule shall be transferred to, and be the rights and liabilities of, the corresponding Institute mentioned in column (5) of the Schedule;

(d) every person employed by every existing Institute mentioned in column (3) of the Schedule, immediately before such commencement shall hold his office or service in the corresponding Institute mentioned in column (5) of the Schedule, with the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been enacted and shall

continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment, to him by the Institute, of compensation equivalent to three months' remuneration in case of permanent employees and one month's remuneration in the case of other employees:

Provided further that any reference, by whatever form of words, to the Director, Registrar and other officers of an existing Institute mentioned in column (3) of the Schedule, in any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Director, Registrar and other officers of the corresponding Institute mentioned in column (5) of the Schedule;

(e) every person pursuing, before the commencement of this Act, any academic or research course in every existing Institute mentioned in column (3) of the Schedule, shall be deemed to have migrated and registered with the corresponding Institute mentioned in column (5) of the Schedule, on such commencement at the same level of course in the Institute from which such person migrated;

(f) all suits and other legal proceedings instituted or which could have been instituted by or against an existing Institute, mentioned in column (3) of the Schedule, immediately before the commencement of this Act shall be continued or instituted by or against the corresponding Institute mentioned in column (5) of the Schedule.

6. Each Institute shall have the following objects, namely:—

Objects of
Institute.

(a) to emerge amongst the foremost institutions in information technology and allied fields of knowledge;

(b) to advance new knowledge and innovation in information technology and allied fields to empower the nation to the forefront in the global context;

(c) to develop competent and capable youth imbued with the spirit of innovation and entrepreneurship with the social and environmental orientation to meet the knowledge needs of the country and provide global leadership in information technology and allied fields;

(d) to promote and provide transparency of highest order in matters of admission, appointments to various positions, academic evaluation, administration and finance.

7. (1) Subject to the provisions of this Act, every Institute shall exercise the following powers and perform the following functions, namely:—

Powers and
functions of
Institute.

(a) to provide instruction in such fields of knowledge concerning information technology and allied areas as such Institute may think fit, for the advancement of learning and dissemination of knowledge;

(b) to lead, organise and conduct research and innovation in information technology and allied fields of knowledge in such manner as the Institute may think fit, including in collaboration or in association with any other Institute, educational institution, research organisation or body corporate;

(c) to hold examinations and grant degrees, diplomas and other academic distinctions or titles; and to confer honorary degrees;

(d) to institute teaching, research or other academic positions, required by the Institute with such designations as it may deem fit, and to appoint persons on tenure, term or otherwise to such positions, other than the post of Director in accordance with the policy laid down by the Council;

(e) to appoint persons working in any other Institute or educational institution or involved in research of significance in any industry as adjunct, guest or visiting faculty of the Institute on such terms and for such duration as the Institute may decide;

(f) to create administrative and other posts and to make appointments thereto in accordance with the policy laid down by the Council;

(g) to make provision for dissemination of knowledge emerging from research and for that purpose to enter into such arrangements, including consultancy and advisory services, with other institutions, industry, civil society or other organisations, as the Institute may deem necessary;

(h) to create a website, highlight all information not restricted to those related to students, admission, fee, administrative structure, policies including recruitment rules, faculty and non-faculty posts, annual reports and financial details including statement of account of the Institute;

(i) to determine, specify and receive payment of the charges, as the Institute may deem fit, from person, institution or body corporate for services, including training, consultancy and advisory services, provided by the Institute;

(j) to deal with any property belonging to or vested in, the Institute in such manner as the Institute may deem fit for advancing the objects of the Institute:

Provided that where the land for the Institute has been provided free of cost by a State Government, such land may be disposed of only with the prior approval of such State Government;

(k) to receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable properties from testators, donors or transferors, as the case may be;

(l) to co-operate with educational or other institutions in any part of the world having objects wholly or partly similar to those of the Institute by exchange of teachers and scholars and generally in such manner as may be conducive to their common objects;

(m) to establish and maintain such infrastructure as may be necessary, incidental or conducive to the attainment of the objects of the Institute;

(n) to institute and award fellowships, scholarships, exhibitions, prizes and medals;

(o) to strive to meet the technological needs of the States and the Union territories by supporting technical educational institutions; and

(p) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Institute.

(2) Notwithstanding anything contained in clause (j), an Institute shall not dispose of in any manner any immovable property, without the prior approval of the Visitor.

Institute to be open to all races, creeds and classes.

8. (1) Every Institute shall be open to all persons irrespective of gender, caste, creed, disability, domicile, ethnicity, social or economic background.

(2) No bequest, donation or transfer of any property shall be accepted by any Institute which in the opinion of the Council involves conditions or obligations opposed to the spirit and object of this section.

(3) Admissions to every programme of study in each Institute shall be based on merit assessed through transparent and reasonable criteria disclosed through its prospectus, prior to the commencement of the process of admission by such Institute:

5 of 2007. Provided that every such Institute shall be a Central Educational Institution for the purposes of the Central Educational Institutions (Reservation in Admission) Act, 2006.

9. All teaching at each of the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and Ordinances made in this behalf. Teaching at Institute.

10. Each Institute shall be a not-for-profit legal entity and no part of the surplus, if any, in revenue of such Institute, after meeting all expenditure in regard to its operations under this Act, shall be invested for any purpose other than for the growth and development of such Institute or for conducting research therein. Institute to be a distinct legal entity not-for-profit.

11. (1) The President of India shall be the Visitor of every Institute. Visitor.

(2) The Visitor may appoint one or more persons to review the work and progress of any Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Visitor may direct.

(3) Upon receipt of any such report, the Visitor may take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions within a reasonable time.

CHAPTER III

AUTHORITIES OF CENTRALLY FUNDED INDIAN INSTITUTE OF INFORMATION TECHNOLOGY

12. The following shall be the authorities of an Institute, namely:—

Authorities of Institute.

(a) Board of Governors;

(b) Senate;

(c) Finance Committee;

(d) Building and Works Committee;

(e) Research Council;

(f) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

13. (1) The Board of Governors of each Institute shall be the principal executive body of that Institute. Board of Governors.

(2) The Board of Governors of each Institute shall consist of the following members, namely:—

(a) a Chairperson, an eminent technologist or industrialist or educationist to be nominated by the Visitor from a panel of three names recommended by the Central Government;

(b) Secretary incharge of Information Technology or Higher Education in the State in which the Institute is located, *ex officio*;

(c) one representative of the Department of Higher Education, Government of India dealing with Indian Institute of Information Technology, *ex officio*;

(d) one representative of the Ministry of Communication and Information Technology, Government of India, *ex officio*;

(e) Director of Indian Institute of Technology to be nominated by the Central Government;

(f) Director of Indian Institute of Management to be nominated by the Central Government;

(g) four persons having special knowledge or practical experience in respect of information technology or engineering or science or allied areas to be nominated by the Council;

(h) two Professors of the Institute nominated by the Senate;

(i) Director of the Institute, *ex officio*;

(j) the Registrar, *ex officio* Secretary.

Term of office of, vacancies among, and allowances payable to, members of Board.

14. (1) Save as otherwise provided in this section, the term of office of member of the Board, other than the *ex officio* member, shall be three years from the date of nomination.

(2) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

(3) The term of office of a member nominated under clause (h) of sub-section (2) of section 13 shall be two years from the date of nomination.

(4) A member of the Board, other than an *ex officio* member, who fails to attend three consecutive meetings of the Board, shall cease to be a member of the Board.

(5) Notwithstanding anything contained in this section, an outgoing member shall, unless the Council directs, continue in office until another person is nominated as a member in his place.

(6) Members of the Board shall be entitled to such allowances, as may be specified in the Statutes, for attending meetings of the Board or as may be convened by the Institute.

Powers and functions of Board of Governors.

15. (1) Subject to the provisions of this Act, the Board of every Institute shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall have the power to frame, amend, modify or rescind the Statutes and Ordinances governing the affairs of the Institute to achieve the objects specified in section 6.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers, namely:—

(a) to take decisions on questions of policy relating to the administration and working of the Institute;

(b) to establish departments, faculties or schools of studies and initiate programmes or courses of study at the Institute;

(c) to examine and approve the annual budget estimates of such Institute;

(d) to examine and approve the plan for development of such Institute and to identify sources of finance for implementation of the plan;

(e) to create teaching and other academic posts, to determine, by Statutes, the number and emoluments of such posts and to define the duties and conditions of service of teachers and other academic staff;

Provided that the Board shall not take action otherwise than on consideration of the recommendations of the Senate;

(f) to provide, by Statutes, the qualifications, criteria and processes for appointment to teaching and other posts in such Institute;

(g) to fix fees, by the Statutes and other charges to be demanded for pursuit of studies in the Institute;

(h) to make Statutes governing the administration, management and operations of such Institute; and

(i) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or Statutes.

(3) The Board shall have the power to appoint such committees, as it considers necessary for the exercise of its powers and the performance of its duties under this Act.

(4) The Board shall conduct an annual review of the performance of the Director with specific reference to his leadership in the context of the achievement of the objects of the Institute.

(5) Where in the opinion of the Director or the Chairperson, the situation is so emergent that an immediate decision needs to be taken in the interest of the Institute, the Chairperson, in consultation with the Director may issue such orders as may be necessary, recording the grounds for his opinion:

Provided that such orders shall be submitted for ratification of the Board in the next meeting.

16. (1) The Senate of each Institute shall consist of the following persons, namely:— Senate.

(a) Director of the Institute, *ex officio* Chairperson;

(b) Deputy Director, *ex officio*;

(c) Deans, *ex officio*;

(d) Heads of the Departments of the Institute, *ex officio*;

(e) all Professors other than the Deans or Heads of the Departments;

(f) three persons from amongst educationists of repute or persons from another field related to the activities of the Institute who are not in service of the Institute, nominated by the Board of Governors;

(g) three persons who are not members of teaching staff co-opted by the Senate for their specialised knowledge;

(h) Registrar of the Institute, *ex officio* Secretary.

(2) The term of office of members other than *ex officio* member shall be two years from the date of nomination.

(3) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

17. (1) Subject to the provisions of this Act, the Senate shall be the principal academic body of the Institute and shall have the power to enact, amend, modify Ordinances, governing academic matters and the affairs and well-being of students in the Institute.

Powers and
functions of
Senate.

(2) Without prejudice to the provisions of sub-section (1), the Senate shall have the following powers, namely:—

(a) to specify the criteria and process for admission to courses or programmes of study offered by the Institute;

(b) to recommend to the Board creation of teaching and other academic posts, determination of the number and emoluments of such posts and defining the duties and conditions of service of teachers and other academic posts;

(c) to recommend to the Board about commencement of new programmes or courses of study;

(d) to specify the broad academic content of programmes and courses of study and undertake modifications therein;

(e) to specify the academic calendar and approve grant of degrees, diplomas and other academic distinctions or titles;

(f) to appoint examiners, moderators, tabulators and such other personnel for different examinations;

(g) to recognise diplomas and degrees or Universities and other Institutes and to determine equivalence with the diplomas and degrees of the Institute;

(h) to suggest measures for departmental co-ordination;

(i) to make major recommendations to the Board of Governors on—

(a) measures for improvement of standard of teaching, training and research;

(b) institution of chairs, fellowships, scholarships, studentships, free-ships, medals and prizes and other related matters;

(c) establishment or abolition of departments or centres; and

(d) bye-laws covering the academic functioning of the institute, discipline, residence, admissions, examinations, award of fellowships and studentships, free-ships concessions, attendance and other related matters;

(j) to appoint sub-committees to advise on such specific matters as may be referred to by the Board of Governors or by itself;

(k) to consider the recommendations of the sub-committees and to take such action including making of recommendations to the Board of Governors as may be required;

(l) to take periodical review of the activities of the Departments or Centres and to take appropriate action including making of recommendations to the Board of Governors with a view to maintain and improve the standards of instructions, in the institutions; and

(m) to exercise such other powers and discharge such other functions as may be assigned to it, by Statutes or otherwise, by the Board.

Finance
Committee.

18 (1) The Finance Committee of each Institute shall consist of the following persons, namely:—

(a) the Chairperson, Board of Governors *ex officio* who shall be the Chairperson of the Committee;

(b) one representative of the Government of India, Ministry of Human Resource Development, Department of Higher Education handling the matters relating to Indian Institute of Information Technology, *ex officio*;

(c) one representative of the Government of India, Ministry of Human Resource Development, Department of Higher Education handling the matters relating to finance, *ex officio*;

(d) two persons nominated by the Board;

(e) the Director, *ex officio*;

(f) the Officer incharge of Finance and Accounts of the Institute *ex officio* Secretary.

(2) The members of the Finance Committee other than *ex officio* members shall hold office for a term of three years.

Powers and
functions of
Finance
Committee.

19. The Finance Committee shall examine the accounts, scrutinise proposals for expenditure and financial estimates of the Institute and thereafter submit it to the Board of Governors together with its comments for approval.

Building and
Works
Committee.

20. The Building and Works Committee of each Institute shall consist of the following persons, namely:—

(a) the Director, *ex officio*, who shall be the Chairperson of the Committee;

(b) one person nominated by Indian Institute of Technology located in the State in which the Institute is situated;

(c) one person nominated by the Board from amongst its members;

(d) Dean, Planning and Development;

(e) a civil engineer not below the rank of superintending engineer in the Government or Government Agency nominated by the Board;

(f) an electrical engineer not below the rank of superintending engineer in the Government or Government Agency nominated by the Board;

(g) the officer incharge of Estate of the Institute *ex officio* Secretary.

21. The Building and Works Committee shall discharge the following powers and functions, namely:—

Powers and functions of Building and Works Committee.

(a) it shall be the responsibility of the Committee for construction of all major capital works after securing from the Board the necessary administrative approval and financial sanction;

(b) it shall have the power to give the necessary administrative approval and financial sanction for all construction work and work pertaining to maintenance and repairs, within the grant place at the disposal of the Institute for the purpose;

(c) it shall cause to be prepared estimates of cost of building and other capital work, minor works, repair, maintenance and the like;

(d) it shall be responsible for making technical scrutiny of each work as may be considered necessary by it;

(e) it shall be responsible for enlistment of suitable contractors and acceptance of tenders and shall have the power to give direction for departmental works where necessary.

22. (1) Each Institute shall establish a Research Council comprising of the Director and such other members as may be specified, by Statutes, by the Board.

Research Council.

(2) The Research Council of each Institute shall—

(a) interface with research funding organisations, industry and civil society to identify potential areas for research;

(b) to organise and promote research in such Institute or in collaboration with any institution of higher learning or research laboratories;

(c) assist teachers in obtaining funding from external sources for research projects prepared by them;

(d) provide, out of the funds placed at its disposal by the Board, research resources and grant assistance for research projects proposed to be undertaken by teachers in such Institute;

(e) provide for incubation of technology applications emerging from research and to protect and utilise the intellectual property obtained from research in the Institutes;

(f) make provision for research and advisory services and for that purpose enter into such arrangements with other institutions, industry, civil society or other organisations and enable the fruits of research to be disseminated to industry and society through such arrangements;

(g) exercise such other powers and perform such other duties as may be assigned to it by Statutes.

Meetings.

23. (1) The Chairperson shall ordinarily preside over the meetings of the Board, Finance Committee and at the convocations of the Institute.

(2) It shall be the duty of the Chairperson to ensure that the decisions taken by the Board are implemented.

(3) The Chairperson shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes.

Director.

24. (1) The Director of a Institute shall be appointed by the Central Government from a panel of names recommended in order of merit by a search-cum-selection committee with prior approval of the Visitor.

(2) The search-cum-selection committee shall consist of the following, namely:—

(a) an eminent person to be nominated by the Minister in charge of Human Resource Development in the Government of India as Chairperson of the Committee;

(b) the Chairperson, Board of Governors of the concerned Indian Institutes of Information Technology – Member, *ex officio*;

(c) Secretary incharge of Higher Education in the Government of India – Member, *ex officio*;

(d) Director of a Indian Institutes of Information Technology to be nominated by Minister incharge of Human Resource Development – Member, *ex officio*;

(e) a person of eminence in the field of information technology to be nominated by Minister incharge of Human Resource Development;

(f) Head of Bureau, Ministry of Human Resource Development dealing with Indian Institutes of Information Technology – non-member Secretary, *ex officio*.

(3) The Director shall be appointed on such terms and conditions of service as may be provided by the Statutes.

(4) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the implementation of the decisions of the Board and Senate and day-to-day administration of the Institute.

(5) The Director shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or delegated by the Board or the Senate or the Ordinances.

(6) The Director shall submit annual reports and audited accounts to the Board.

(7) The Director may during his absence from the headquarters, authorise the Deputy Director or one of the Deans or the senior most Professor present, to sanction advances for travelling allowances, contingencies and medical treatment of the staff and sign and countersign bills on his behalf and authorise to the Deputy Director or one of the Dean or the senior most Professor present, by him in writing.

Registrar.

25. (1) The Registrar of every Institute shall be appointed on such terms and conditions as may be laid down by the Statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Board shall commit to his charge.

(2) The Registrar shall act as the Secretary of the Board, Senate and such committees as may be prescribed by the Statutes.

(3) The Registrar shall be responsible to the Director for the proper discharge of his functions.

(4) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or by the Director.

26. (1) The Board may, by Statutes, declare such other posts as authorities of the Institute and specify the duties and function of each such authority.

Other authorities and officers.

(2) The Board may constitute such authorities as it may deem fit for proper management of affairs of the Institute.

27. (1) Each Institute shall, within five years from the establishment and incorporation of Institute under this Act and thereafter at the expiration of every fifth year, constitute, with the prior approval of the Central Government, a Committee to evaluate and review the performance of the Institute in achievement of its objects in the said period.

Review of performance of Institute.

(2) The Committee under sub-section (1) shall consist of members of acknowledged repute in academia or industry, drawn from such fields of knowledge as may have relevance to teaching, learning and research in such Institute.

(3) The Committee shall assess the performance of Institute and make recommendations on—

(a) the extent of fulfilment of the objects of the Institute referred to in section 6, as demonstrated by the state of teaching, learning and research and its contribution to society;

(b) the promotion of transformational research and its impact on industry and society;

(c) the advancement of fundamental research beyond the current frontiers of knowledge;

(d) the establishment of the Institute as amongst the global leaders in the area of information technology;

(e) such other matters as the Board may specify.

(4) The Board shall consider the recommendations referred to in sub-section (3) and take such action on it as it may deem fit:

Provided that the recommendations of the Committee along with an explanatory memorandum on the action taken or proposed to be taken, specifying the reasons thereof, shall be submitted to the Central Government.

CHAPTER IV

ACCOUNTS AND AUDIT

28. (1) For the purposes of enabling the Institutes to discharge their functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to each Institute in every financial year such sums of money in such manner as it may think fit.

Grants by Central Government.

(2) The Central Government shall provide to each Institute, grants of such sums of money as are required to meet the expenditure on scholarships or fellowships instituted by it, including scholarships or fellowships for students from socially and educationally backward classes of citizens enrolled in such Institute.

29. (1) Every Institute shall maintain a fund to which shall be credited —

Fund of Institute.

(a) all monies provided by the Central Government or State Government, as the case may be;

(b) all fees and other charges received by the Institute from students;

(c) all monies received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers;

(d) all monies received by the Institute from utilisation of intellectual property arising from research conducted or provision of advisory or consultancy services by it; and

(e) all monies received by the Institute in any other manner or from any other source.

(2) The fund of every Institute shall be applied towards meeting the expenses of the Institute, including expenses incurred in the exercise of its powers and discharge of its duties under this Act, furtherance of research in the Institute or in collaboration with other educational institutions or industry and for capital investment aimed at the growth and development of the Institute.

Accounts and
audit.

30. (1) Every Institute shall maintain proper accounts and other relevant records and prepare annual statement of accounts including the balance sheet in such form and accounting standard as may be specified by notification, by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) Where the statement of income and expenditure and the balance sheet of the Institute do not comply with the accounting standards, the Institute shall disclose in its statement of income and expenditure and balance sheet, the following, namely:—

(a) the deviation from the accounting standards;

(b) the reasons for such deviation; and

(c) the financial effect, if any, arising out due to such deviation.

(3) The accounts of every Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by audit team in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(4) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of any Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular shall have the rights to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute.

(5) The accounts of every Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament in accordance with such procedure as may be laid down by the Central Government.

Pension and
provident
fund.

31. (1) Every Institute may constitute for the benefit of its employees such provident or pension fund or provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund, as if it were a Government Provident Fund.

19 of 1925.

Appointments.

32. All appointments of the staff of every Institute, except that of the Director, shall be made in accordance with the procedure laid down in the Statutes, by—

(a) the Board, if the appointment is made on the academic staff in the post of Assistant Professor or if the appointment is made on the non-academic staff in every cadre the maximum of the pay scale for which exceeds prevalent grade pay scale for Group A Officers;

(b) the Director, in any other case.

33. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:— Statutes.

- (a) the conferment of honorary degree;
- (b) the formation of departments of teaching;
- (c) the fees to be charged for courses of study in the Institute and for admission to the examinations of degrees and diplomas of the Institute;
- (d) the institution of fellowships, scholarships, exhibitions, medals and prizes;
- (e) the terms of office and the method of appointment of officers of the Institute;
- (f) the qualifications of teachers of the Institute;
- (g) the classification, the method of appointment and the determination of the terms and conditions of service of teachers and other staff of the Institute;
- (h) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the Institute;
- (i) the constitution, powers and duties of the authorities of the Institute;
- (j) the establishment and maintenance of halls and hostels;
- (k) the conditions of residence of students of the Institute and the levying of fees for residence in the halls and hostels and of other charges;
- (l) the allowances to be paid to the Chairperson and members of the Board;
- (m) the authentication of the orders and decisions of the Board; and
- (n) the meetings of the Board, the Senate, or any Committee, the quorum at such meetings and the procedure to be followed in the conduct of their business.

34. (1) The first Statutes of each Institute shall be made by the Board with the prior approval of the Visitor and a copy of the same shall be laid as soon as may be before each House of Parliament. Statutes how to be made.

(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner provided in this section.

(3) Every new Statutes or addition to the Statutes or any amendment or repeal of Statutes shall require the prior approval of the Visitor who may grant assent or withhold assent or remit it to the Board for consideration.

(4) New Statutes or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor:

Provided that the Central Government with the prior approval of the Visitor may make or amend the Statutes for the Institute, if the same is required for uniformity, and a copy of the same shall be laid as soon as may be before each House of the Parliament.

35. Subject to the provisions of this Act and the Statutes, the Ordinances of every Institute may provide for all or any of the following matters, namely:— Ordinances.

- (a) the admission of the students to the Institute;
- (b) the courses of study to be laid down for all degrees and diplomas of the Institute;
- (c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the Institute, and shall be eligible for degrees and diplomas;
- (d) the conditions of award of the fellowships, scholarships, exhibitions, medals and prizes;
- (e) the conditions and mode of appointment and duties of examining bodies, examiners and moderators;

- (f) the conduct of examinations;
- (g) the maintenance of discipline among the students of the Institute; and
- (h) any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

Ordinances
how to be
made.

36. (1) Save as otherwise provided in this section, Ordinances shall be made by the Senate.

(2) All Ordinances made by the Senate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board at its next meeting.

(3) The Board shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

Tribunal of
Arbitration.

37. (1) (a) Any dispute arising out of a contract between a Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee, and an umpire appointed by the Visitor.

(b) The decision of the Tribunal shall be final and shall not be questioned in any court.

(c) No suit or proceeding shall lie in any court in respect of any matter, which is required by sub-section (1) to be referred to the Tribunal of Arbitration.

(d) The Tribunal of Arbitration shall have power to regulate its own procedure:

Provided that the Tribunal shall have regard to the principles of natural justice while making such procedure.

(e) Nothing in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

(2) Any student or candidate for an examination whose name has been removed from the rolls of the Institute by the orders or resolution of the Director of the Institute and who has been debarred from the appearing at the examinations of the Institute for more than one year, may within ten days of the date of receipt of such resolution by him, appeal to the Board of Governors who may confirm, modify or reverse the decision of the Director.

(3) Any dispute arising out of any disciplinary action taken by the Institute against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-section (1) shall, as far as may be, apply to a reference made under this sub-section.

(4) Every employee or student of the Institute, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Board of Governors against the decision of any officer or authority of the Institute as the case may be and thereupon the Board of Governors may confirm, modify or reverse the decision appealed against.

Annual report
of Director.

38. (1) There shall be attached to every statement of accounts laid before the Board of each Institute, a report by its Director, with respect to –

- (a) the state of affairs of such Institute;
- (b) the amounts, if any, which it proposes to carry to any surplus reserves in its balance sheet;
- (c) the extent to which understatement or overstatement of any surplus of income over expenditure or any shortfall of expenditure over income has been indicated in the auditor's report and the reasons for such understatement or overstatement;

(d) the productivity of research projects undertaken by the Institute measured in accordance with such norms as may be specified by any statutory regulatory authority;

(e) appointments of the officers and teachers of the Institute;

(f) benchmark and internal standards set by the Institute, including the nature of innovations in teaching, research and application of knowledge.

(2) The Director shall also be bound to give the complete information and explanations in its report aforesaid on every reservation, qualification or adverse remark contained in the auditors' report.

39. (1) The annual report of each Institute shall be prepared under the direction of the Board, which shall include, among other matters, the steps taken by the Institute towards the fulfilment of its objects and an outcome based assessment of the research being undertaken in such Institute, and be submitted to the Board on or before such date as may be specified and the Board shall consider the report in its annual meeting.

Annual
report of
each
Institute.

(2) The annual report on its approval by the Board shall be published on the website of the Institute.

(3) The annual report of each Institute shall be submitted to the Central Government who shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

CHAPTER V

THE COUNCIL

40. (1) In order that there may be better coordination between the Institutes, the Central Government may, by notification in the Official Gazette, establish, with effect from such date as may be specified in the notification, there shall be established for all the Institutes specified in column (5) of the Schedule, a central body to be called the Council.

Council of
Institutes.

(2) The Council shall consist of the following, namely:—

(i) the Minister of the Central Government in charge of technical education, who shall be the Chairperson of the Council, *ex officio*;

(ii) two members of Parliament of India (one member to be nominated by Speaker of Lok Sabha and one member to be nominated by Chairperson of Rajya Sabha), *ex officio*;

(iii) Secretary, Government of India, Ministry of Human Resource Development, Department of Higher Education;

(iv) the Chairpersons of each of the Institutes, *ex officio*;

(v) the Directors of each of the Institutes, *ex officio*;

(vi) the Director-General, Council of Scientific and Industrial Research, *ex officio*;

(vii) three persons to be nominated by the Central Government, one each to represent the Ministry concerned with Finance, Science and Technology and Information Technology;

(viii) three persons to be nominated by Visitor, who shall be persons having special knowledge or practical experience in respect of industry, academia, engineering, alumni and social sciences to be nominated by the Council from a panel comprised of two names recommended by each Institute;

(ix) one representative of University Grants Commission;

(x) one representative of All India Council of Technical Education; and

(xi) Chairperson, Central Board of Secondary Education.

(3) An officer of the Department of Higher Education, Government of India, concerned with technical education shall be nominated by that Government to act as the Secretary of the Council.

(4) The Council may, at its discretion, constitute a Standing Committee of the Indian Institute of Information Technology Council to assist the Council in discharge of its duties and responsibilities.

(5) The expenditure on the Council shall be met by the Central Government.

Term of office and allowances payable to members of Council.

41. (1) Save as otherwise provided in this section, the term of office of a member of the Council, other than an *ex officio* member, shall be for a period of three years from the date of nomination.

(2) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

(3) The term of office of a member elected under clause (ii) of sub-section (2) of section 40 shall expire as soon as he ceases to be a member of the House which elected him.

(4) Notwithstanding anything contained in this section, an outgoing member shall, unless the Council directs, continue in office until another person is nominated as a member in his place.

(5) Members of the Council shall be entitled to travelling and such other allowances, as may be prescribed, for attending meetings of the Council or its Committees thereof.

Functions and duties of Council.

42. (1) The Council shall work to coordinate the activities of all the Institutes.

(2) Without prejudice to the provisions of sub-section (1), the Council shall perform the following functions, namely:—

(a) to advise on matters relating to the duration of the courses, the degrees and other academic distinctions to be conferred by the Institutes, admission standards and other academic matters;

(b) to lay down policy regarding cadres, methods of recruitment and conditions of service of employees, institution of scholarships and free-ships, levying of fees and other matters of common interest;

(c) to examine the development plans of each Institute and to approve such of them as are considered necessary and also to indicate broadly the financial implications of such approved plans;

(d) to examine the annual budget estimates of each Institute and to recommend to the Central Government the allocation of funds for that purpose;

(e) to recommend to the Central Government, the institution of scholarships including research and for the benefit of students belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of citizens;

(f) to recommend to the Central Government, proposals for establishment of new Institutes of Information Technology;

(g) to advise the Visitor, if so required, in respect of any function to be performed by him under this Act; and

(h) to perform such other functions as may be referred to it by the Central Government:

Provided that nothing in this section shall derogate the powers and functions vested by law in the Board or Senate or other authorities of each Institute.

(3) The Chairperson of the Council shall ordinarily preside at the meetings of the Council and in his or her absence, any other member, chosen by the Members present from amongst themselves at the meeting, shall preside at the meeting.

(4) The Council shall meet once in every year and follow such procedure in its meetings as may be prescribed.

43. (1) The Central Government may, after previous publication, by notification, make rules to carry out the purposes of this Chapter.

Power to make rules in respect of matters in this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the travelling and other allowances payable to members of the Council under sub-section (5) of section 41;

(b) the procedure to be followed in the meetings of the Council under sub-section (4) of section 42.

CHAPTER VI

MISCELLANEOUS

44. No act of the Council, or any Institute, Board or Senate or any other body set-up under this Act or the Statutes, shall be invalid merely by reason of—

Acts and proceedings not to be invalidated by vacancies, etc.

(a) any vacancy in or defect in the constitution thereof;

(b) any irregularity in its procedure not affecting the merits of the case;

(c) any defect in the selection, nomination or appointment of a person acting as a member thereof.

45. Every Institute shall furnish to the Central Government such returns or other information with respect to its policies or activities as the Central Government may, for the purpose of reporting to Parliament or for the making of policy, from time to time require.

Returns and information to be provided to Central Government.

46. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Power of Central Government to issue directions.

22 of 2005.

47. The provisions of the Right to Information Act, 2005 shall apply to each Institute, defined in clause (h) of section 2 of the Right to Information Act, 2005.

Institute to be public authority under Right to Information Act.

48. (1) Notwithstanding anything contained in this Act—

Transitional provisions.

(a) the Board of Governors of an Institute functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for that Institute under this Act, but on the constitution of a new Board under this Act, the members of the Board holding office before the commencement of this Act shall cease to hold office;

(b) every Senate constituted in relation to every Institute before the commencement of this Act shall be deemed to be the Senate constituted under this Act until a Senate is constituted under this Act for the Institute, but on the constitution of the new Senate under this Act, the members of the Senate holding office before the commencement of this Act shall cease to hold office;

(c) the Statutes, Ordinances, rules, regulations and bye-laws of each existing Institute as in force, immediately before the commencement of this Act, shall continue to apply to the corresponding institute in so far as they are not inconsistent with the provisions of this Act until the first Statutes and the Ordinances are made under this Act;

(d) any student who joined classes of the existing Institute on or after the academic year 2007-2008 or completed the course on or after the academic year 2010-2011 shall for the purpose of clause (c) of sub-section (1) of section 7, be deemed to have pursued a course of study in the existing Institute located at Kancheepuram only if such student has not already been awarded degree or diploma for the same course of study.

(2) The Central Government may, without prejudice to the provisions of sub-section (1), if it considers necessary and expedient to do so, by notification, take such measures which may be necessary for the transfer of the existing Institute mentioned in column (3) of the Schedule to the corresponding Institute mentioned under column (5) of the Schedule.

Power to
remove
difficulties.

49. (1) If any difficulty arises in giving effect to the provisions of this Act the Central Government, may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before each House of Parliament.

Laying of
rules and
notification.

50. Every rule made and every notification issued by the Central Government under this Act, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

THE SCHEDULE

[See section 4(I)]

Sl. No.	Name of the State	Name of the existing Institute	Location	Name of the Institute under this Act
(1)	(2)	(3)	(4)	(5)
1.	Uttar Pradesh	Indian Institute of Information Technology, Allahabad	Allahabad	Indian Institute of Information Technology, Allahabad.
2.	Madhya Pradesh	Indian Institute of Information Technology, Gwalior	Gwalior	Atal Bihari Vajpayee Indian Institute of Information Technology, and Management, Gwalior.
3.	Madhya Pradesh	Indian Institute of Information Technology, Design and Manufacturing	Jabalpur	Pandit Dwarka Prasad Mishra Indian Institute of Information Technology, Design and Manufacturing, Jabalpur.
4.	Tamil Nadu	Indian Institute of Information Technology, Design and Manufacturing	Kancheepuram	Indian Institute of Information Technology, Design and Manufacturing, Kancheepuram.

Assented to on 9th December, 2014
Act No. 31 of 2014

THE MERCHANT SHIPPING (AMENDMENT) ACT, 2014

AN

ACT

further to amend the Merchant Shipping Act, 1958.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Merchant Shipping (Amendment) Act, 2014.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

44 of 1958.

2. In the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), after Part XIA, the following Part shall be inserted, namely:—

Insertion of
new Part
XIB.

'PART XIB

CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS

356P. (1) Save as otherwise provided in this Part, this Part shall apply to—

Application.

(a) every Indian ship, wherever it is;

(b) ships not entitled to fly the flag of India, but which operate under the authority of India; and

(c) ships that enter a port, shipyard, or offshore terminal or place in India or within the territorial waters of India or any marine areas adjacent thereto over which India has, or may hereafter have, exclusive jurisdiction in regard to control of pollution under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 or any other law for the time being in force. 80 of 1976.

(2) This Part shall not apply to any warship, naval auxiliary or other ship owned or operated by or under the authority of India and used, for the time being, only on Government non-commercial service:

Provided that in case of such ships, the Government shall ensure by the adoption of appropriate measures not impairing operations or operational capabilities of such ship that such ships are operated in a prescribed manner consistent with this Part.

Definitions.

356Q. In this Part, unless the context otherwise requires,—

(a) “anti-fouling system” means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms;

(b) “authority” means—

(i) the Government of India under whose authority the ship is operating;

(ii) with respect to a ship entitled to fly a flag of any other country, the Government of that country; and

(iii) with respect to floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to Indian coast over which Government of India exercises sovereign rights for the purposes of exploration and exploitation of its natural resources (including Floating Storage Units and Floating Production Storage and Offloading Units), the Government of India;

(c) “Committee” means the Marine Environment Protection Committee of the Organisation;

(d) “Convention” means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001;

(e) “gross tonnage” means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention as ratified or acceded to or adopted by the Government of India;

(f) “international voyage” means a voyage by a ship entitled to fly the flag of one State to or from a port, shipyard, or offshore terminal under the jurisdiction of another State;

(g) “length” means the length as defined in the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating thereto, or any successor Convention as ratified or acceded to or adopted by the Government of India;

(h) “Organisation” means the International Maritime Organisation;

(i) “port” shall have the same meaning as assigned to it in the Indian Port Act, 1908, the Major Port Trusts Act, 1963, or under any other law for the time being in force and shall include any terminal, either within the port limits or otherwise; 15 of 1908.
38 of 1963.

(j) “ship” means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units and floating production storage and off-loading units.

356R. (1) Every Indian ship and other ships which are not entitled to fly Indian flag but operating under the authority of India, shall comply with the requirements set forth in this Part, including the applicable standards and requirements as prescribed from time to time as well as effective measures to ensure that such ships comply with the requirements, as may be prescribed from time to time.

Control of anti-fouling systems.

(2) All other vessels to which this Part applies shall comply with requirements of the anti-fouling systems as prescribed from time to time.

356S. (1) No Indian ship or other ships entitled to fly Indian flag or operating under its authority, which is of 400 gross tonnage and above shall engage in International Voyage unless there is on-board, in respect of that ship, a certificate issued by the Director-General, to be called as International Anti-Fouling System Certificate, in such form, for such duration and subject to such procedures and conditions as may be prescribed, from time to time.

Issuance of International Anti-Fouling System Certificate.

(2) No Indian ship or other ships entitled to fly Indian flag or operating under its authority excluding fixed or floating platforms, Floating Storage Units and Floating Production Storage and Offloading Units which is of 24 metres or more in length, but less than 400 gross tonnage, shall engage in international voyage unless there is on-board a declaration in such form and subject to such procedures and conditions as may be prescribed, from time to time.

(3) Indian ships entitled to fly Indian flag which are of 400 gross tonnage and above, with appropriate conditions as applicable for each type of ships and not engaged in international voyage and are required to be registered under this Act, shall be issued an Indian Anti-Fouling System Certificate, as may be prescribed from time to time.

356T. (1) The Central Government may, at the request of the Government of a country to which the Convention applies, cause an International Anti-Fouling System Certificate to be issued in accordance with the Convention in respect of any ship of that country to which the Convention applies, if it is satisfied that such certificate can properly be issued, and where a certificate is so issued, it shall contain a statement that it has been so issued on a request, as per the procedure prescribed in this behalf from time to time.

Issue of Anti-Fouling System Certificate for foreign ships in India and Indian ships in foreign countries.

(2) The Central Government may request the Government of a country to which the Convention applies, to issue an International Anti-Fouling System Certificate in accordance with the Convention in respect of a ship to which this Part applies and the certificate so issued in pursuance of such a request shall contain a statement that it has been so issued and shall have the same effect as if it had been issued by the Central Government under this Act.

356U. Taking into account the international rules, standards and requirements, the Central Government shall prescribe the rules and take appropriate measures in its territory to require that wastes from the application or removal of an anti-fouling system, are collected, handled, treated and disposed of in a safe and environmentally sound manner, by any person in India, to protect human health and the environment.

Controls of waste materials.

356V. (1) Every ship to which this Part applies shall maintain, a record of anti-fouling systems in the prescribed form.

Record of anti-fouling systems.

(2) The manner, in which the record of anti-fouling systems to be maintained shall be prescribed having regard to the provisions of the Convention and this Part.

Inspection
and control of
all ships
above 400
gross tonnage.

356W. (1) Any person authorised by the Director-General as Surveyor in this behalf may inspect, at any reasonable time, any ship to which any of the provisions of this Part applies, for the purposes of—

(a) ensuring that the prohibitions, restrictions and obligations imposed by or under this Part are complied with;

(b) verifying that, where required, there is on-board a valid International Anti-Fouling System Certificate or a declaration on anti-fouling system; or

(c) brief sampling of the ship's anti-fouling system that does not affect the integrity, structure, or operation of the anti-fouling system taking into account the procedures as prescribed from time to time; and

(d) verifying any record required to be maintained on-board.

(2) For the purposes of clause (c) of sub-section (1), the time required to process the results of such sampling shall not be used as a basis for preventing the movement and departure of the ship.

(3) Any person authorised by the Director-General as surveyor in this behalf, may, certify any matter referred to in sub-section (1) in respect of such ship as a copy of the records of the ship to be a true copy and such copy shall be admissible as evidence of the facts stated therein.

Information
regarding
contravention
of the
provisions of
Convention.

356X. (1) If, on receipt of a report from a surveyor or other person authorised to inspect a ship, the Director-General is satisfied that any provision of this Part has been contravened by such ship within the coastal waters, the Director-General or any officer authorised by him in this behalf, may—

(a) detain the ship until the causes of such contravention are removed to the satisfaction of the Director-General or the officer authorised by him; and

(b) levy penalty on such ship as specified in section 436:

Provided that where the Director-General deems it necessary, he may request the Indian Navy or the Coast Guard for preventing the ship from proceeding to sea and the Indian Navy or the Coast Guard, as the case may be, shall take action as requested by the Director-General.

(2) On receipt of information from the Government of any country to which the Convention applies that a ship has contravened any provision of the Convention, the Central Government may, if it deems it necessary so to do, request such Government to furnish further details of the alleged contravention and, if satisfied that sufficient evidence is available, conduct investigation of the alleged violations and take appropriate measures in respect thereof.

Power to
make rules.

356Y. (1) The Central Government may, having regard to the provisions of the Convention, make rules to carry out the provisions of this Part.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), such rules may provide for all or any of the following matters, namely:—

(a) appropriate measures for operation of ships under the proviso to sub-section (2) of section 356P;

(b) the standards, requirements and measures to ensure compliance under section 356R;

(c) procedure and conditions and the fees which may be levied for inspection and issuance of international Anti-Fouling Systems Certificate under section 356S;

(d) procedure and the fees which may be levied for issuance of Anti-Fouling Systems Certificate for foreign ships in India and Indian ships in foreign countries under section 356T;

(e) procedure for collection, handling and disposal of wastes under section 356U;

(f) the format of record of Anti-Fouling Systems, the manner in which such record shall be maintained under section 356V;

(g) any other matter which is required to be or may be prescribed.’.

3. In section 436 of the principal Act, after serial number 115G and the entries relating thereto, the following shall be inserted, namely:—

Amendment
of section
436.

Sl. No.	Offences	Section of this Act to which offence has reference	Penalties
1	2	3	4
"115H.	If the owner of an Indian ship fails to comply with section 356R	356R	Fine which may extend to fifteen lakh rupees.
115-I	If a master proceeds or attempts to proceed to sea in contravention of section 356S	356S	Fine which may extend to three lakh rupees.
115J	If the owner of an Indian ship or any person fails to comply with the rules made or measures taken by the Central Government under section 356U	356U	Fine which may extend to one Lakh and fifty thousand rupees.
115K	If the master of a ship fails to maintain records as required by section 356V	356V	Fine which may extend to one lakh and fifty thousand rupees.
115L	If the master of a ship fails to comply with sub-section (I) of section 356W	356W(I)	Fine which may extend to one lakh and fifty thousand rupees."

Assented to on 9th December, 2014
Act No. 32 of 2014

THE MERCHANT SHIPPING (SECOND AMENDMENT) ACT, 2014

AN
ACT

further to amend the Merchant Shipping Act, 1958.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Merchant Shipping (Second Amendment) Act, 2014.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

44 of 1958.

2. In the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), in PART VII, under the heading, for the sub-heading, the following sub-heading shall be substituted, namely:—

Substitution
of sub-
heading in
PART VII.

"Classification of seamen, seafarer, maritime labour standards and prescription of minimum manning scale."

3. In the principal Act, after section 88, the following sections shall be inserted, namely:—

Insertion of
new sections
88A and 88B.

‘88A. In this Part, unless the context otherwise requires,—

Definitions.

(a) “Declaration of Maritime Labour Compliance” means a declaration issued by the Director-General of Shipping or by any officer, authority or

organisation authorised by him in this behalf, in respect of a ship that it meets with the requirements and standards set out in the provisions of the Maritime Labour Convention;

(b) "Maritime Labour Certificate" means the certificate issued by the Director-General of Shipping or by any officer, authority or organisation authorised by him in this behalf, in accordance with the provisions of the Maritime Labour Convention;

(c) "Maritime Labour Convention" means the International Convention of Maritime Labour Organisation on Maritime Labour Standards signed in Geneva on the 23rd February, 2006;

(d) "seafarer" means any person who is employed or engaged or works in any capacity on board a sea going ship, but does not include—

(i) the employment or engagement or work on board in any capacity of any person in a ship of war; or

(ii) any Government ship used for military or non-commercial purposes.

Application of maritime labour standards to seafarers and ships.

88B. (1) The provisions relating to maritime labour standards as contained in the Maritime Labour Convention, shall apply to all seafarers and ships engaged in commercial activities, but does not include—

(a) ships which navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where any law for the time being in force relating to ports apply;

(b) ships engaged in fishing activities;

(c) traditionally built ships such as dhows and junks;

(d) ships of war or naval auxiliaries.

(2) Subject to the provisions of sub-section (1), the Central Government may, on the recommendation of the Director-General of Shipping, by order, extend the provisions of the said sub-section to ships not engaged in commercial activities with such exceptions and modifications as it may consider necessary.¹.

Amendment of section 91.

4. In section 91 of the principal Act, for the words "boys not under fifteen years of age", the words "young persons not under the age of sixteen years" shall be substituted.

Amendment of section 92.

5. In section 92 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The apprenticeship of any person to the sea service shall be by contract in writing between the apprentice or if he is a young person, then, on his behalf by his guardian, and the master or owner of the ship requiring the apprentice.";

(b) in sub-section (3),—

(i) in clause (a), in sub-clause (iii), for the words "fifteen years", the words "sixteen years" shall be substituted;

(ii) in clause (b), for the words "a minor" the words "an young person" shall be substituted.

Amendment of section 95.

6. In section 95 of the principal Act, in the *Explanation*, clause (b) shall be omitted.

Amendment of section 99A.

7. In section 99A of the principal Act, the *Explanation* thereto shall be omitted.

- 8.** In section 101 of the principal Act, in sub-section (2),—
- (i) after clause (c), the following clause shall be inserted, namely:—
"(cc) hours of work and rest in a week, as may be prescribed;";
- (ii) after clause (f), the following clause shall be inserted, namely:—
"(ff) the entitlement for leave, as may be prescribed;"; and
- (iii) in clause (j), for the words "arising out of and", the words "arising out of employment or" shall be substituted;
- (iv) after clause (k), the following clause shall be inserted, namely:—
"(kk) the terms of agreement with the crew shall be determined after consultation with such organisations in India as the Central Government may, by order, notify to be the most representative of the employers of seamen and of seamen."
- 9.** For section 109 of the principal Act, the following section shall be substituted, namely:—
- "109. (1) No person under the age of sixteen years shall be engaged or carried to sea to work in any capacity in any ship.
- (2) (a) No young person shall be engaged in night work.
- (b) The period of night work shall be such, as may be prescribed:
- Provided that the Director-General of Shipping,—
- (i) for giving effective training; or
- (ii) for performing a specific nature of duty,
- at night, may, by order permit engagement of any young person in night work which shall not be detrimental to the health or well being of such young person."
- 10.** Section 110 of the principal Act, shall be omitted.
- 11.** For section 113 of the principal Act, the following section shall be substituted, namely:—
- "113. The Central Government may make rules for the purposes of employment of young persons, prescribing—
- (a) the authorities, whose certificates of physical fitness shall be accepted for the purposes of section 111;
- (b) the form of register of young persons to be maintained in ships where there is no agreement with the crew."
- 12.** In section 132 of the principal Act, in sub-section (1), for clause (a), the following clause shall be substituted, namely:—
- "(a) where the amount in dispute is up to five lakh rupees or such higher amount not exceeding ten lakh rupees, as the Central Government may, by notification, specify, at the instance of either party to the dispute;".
- 13.** In section 168 of the principal Act, after sub-section (6), the following sub-sections shall be inserted, namely:—
- "(7) The master of the ship or any person having charge over the ship shall maintain such standards, in accordance with the provisions of the Maritime Labour

Amendment
of section
101.

Substitution
of new
section for
section 109.
Prohibition
of
engagement
of underage
persons in
certain cases.

Omission of
section 110.

Substitution
of new
section for
section 113.

Power to
make rules
respecting
employment
of young
persons.

Amendment
of section
132.

Amendment
of section
168.

Convention, for the quantity and quality of food and drinking water, and the catering standards applicable to food provided to the seamen on ships, as may be prescribed.

(8) The master of the ship or any person having charge over the ship shall undertake educational activities to promote awareness and implementation of the standards referred to in sub-section (7)."

Amendment
of section
173.

14. In section 173 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Every foreign-going ship carrying—

(a) more than the prescribed number of persons (including the crew), shall have on board as part of her complement a medical officer possessing such qualifications; and

(b) less than the prescribed number of persons shall have such medical facilities,

as may be prescribed, in accordance with the provisions of the Maritime Labour Convention."

Insertion of
new section
176A.

15. After section 176 of the principal Act, the following section shall be inserted, namely:—

"176A. (1) All ships of five hundred tons gross or more and engaged in international voyage or operating from a port, or between ports, in another country, shall possess a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance.

(2) Ships not covered under sub-section (1) shall, unless, exempted by the Central Government, possess such certificate in such manner and form, as may be prescribed.

(3) The shipping master, surveyor, seamen's welfare officer, port health officer, Indian consular officer, or any other officer at any port duly authorised in this behalf by the Central Government, may inspect any ship, in such manner as may be prescribed, and the master of the ship or any person having charge over the ship shall make available to such inspecting officer, the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance."

Insertion of
new section
218A.

16. After section 218 of the principal Act, the following section shall be inserted, namely:—

"218A. (1) The Central Government may, having regard to the provisions of the Maritime Labour Convention, and in consultation with such organisations in India as the Central Government may, by order, notify to be the most representative of the employers of seamen and of seamen, make rules for carrying out the purposes of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the hours of work and rest in a week under clause (cc) of sub-section (2) of section 101;

(ii) the entitlement for leave under clause (ff) of sub-section (2) of section 101;

(iii) the period of night work under clause (b) of sub-section (2) of section 109;

Power to
make rules
for purposes
of Maritime
Labour
Convention.

(iv) standards for the quantity and quality of food and drinking water, including the catering standards that apply to food provided to the seamen on ships, under sub-section (7) of section 168;

(v) the qualifications of medical officer under clause (a) and the medical facilities under clause (b) of sub-section (1) of section 173;

(vi) the manner and form of certificate to be provided to ships under sub-section (2) of section 176A;

(vii) the manner of conducting inspection in a ship to verify possession of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance under sub-section (3) of section 176A;

(viii) any other matter which may be or is to be prescribed relating to the Maritime Labour Convention."

17. In section 436 of the principal Act, in sub-section (2), in the Table, against serial number 25,—

Amendment
of section
436.

(a) in column (2), the word and figures ", section 110", occurring at both the places shall be omitted; and

(b) in column (3), the figures "110," shall be omitted.

Assented to on 10th December, 2014
Act No. 33 of 2014

THE LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS
AND MAINTAINING REGISTERS BY CERTAIN ESTABLISHMENTS)
AMENDMENT ACT, 2014

AN
ACT

to amend the Labour Laws (Exemption from Furnishing Returns and
Maintaining Registers by certain Establishments) Act, 1988.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as
follows:—

1. (1) This Act may be called the Labour Laws (Exemption from Furnishing Returns
and Maintaining Registers by certain Establishments) Amendment Act, 2014.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification
in the Official Gazette, appoint.

2. In the Labour Laws (Exemption from Furnishing Returns and Maintaining
Registers by certain Establishments) Act, 1988 (hereinafter referred to as the principal Act),

Amendment
of long title.

for the long title, the following long title shall be substituted, namely:—

“An Act to provide for the simplification of procedure for furnishing returns and maintaining registers in relation to establishments employing a small number of persons under certain labour laws.”.

Amendment
of section 1.

3. In section 1 of the principal Act, in sub-section (1), for the words “Exemption from”, the words “Simplification of Procedure for” shall be substituted.

Amendment
of section 2.

4. In section 2 of the principal Act, in clause (e), for the word “nineteen”, the word “forty” shall be substituted.

Substitution of
new section
for section 4.

5. For section 4 of the principal Act, the following section shall be substituted, namely:—

Exemption
from
furnishing or
maintaining of
returns and
registers
required under
certain labour
laws.

“4. (1) Notwithstanding anything contained in a Scheduled Act, on and from the commencement of the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Amendment Act, 2014, it shall not be necessary for an employer in relation to any small establishment or very small establishment to which a Scheduled Act applies, to furnish the returns or to maintain the registers required to be furnished or maintained under that Scheduled Act:

Provided that such employer—

(a) furnishes, in lieu of such returns, annual return in Form I; and

(b) maintains, in lieu of such registers,—

(i) registers in Form II and Form III, in the case of small establishments, and

(ii) a register in Form III, in the case of very small establishments,

at the work spot:

Provided further that every such employer shall continue to—

(a) issue wage slips in the Form prescribed in the Minimum Wages (Central) Rules, 1950 made under sections 18 and 30 of the Minimum Wages Act, 1948 and slips relating to measurement of the amount of work done by piece-rated workers required to be issued under the Payment of Wages (Mines) Rules, 1956 made under sections 13A and 26 of the Payment of Wages Act, 1936; and

11 of 1948.

4 of 1936.

(b) file returns relating to accidents under sections 88 and 88A of the Factories Act, 1948 and sections 32A and 32B of the Plantations Labour Act, 1951.

63 of 1948.
69 of 1951.

(2) The annual return in Form I and the registers in Forms II and III and wage slips, wage books and other records, as provided in sub-section (1), may be maintained by an employer either in physical form or on a computer, computer floppy, diskette or other electronic media:

Provided that in case of computer, computer floppy, diskette or other electronic form, a printout of such returns, registers, books and records or a portion thereof is made available to the Inspector on demand.

(3) The employer or the person responsible to furnish the annual return in Form I may furnish it to the Inspector or any other authority prescribed under the Scheduled Acts either in physical form or through electronic mail if the Inspector or the authority has the facility to receive such electronic mail.

(4) Save as provided in sub-section (1), all other provisions of a Scheduled Act, including, in particular, the inspection of the registers by, and furnishing of their

copies to, the authorities under that Act, shall apply to the returns and registers required to be furnished or maintained under this Act as they apply to the returns and registers under that Scheduled Act.

(5) Where an employer in respect of an establishment referred to in sub-section (1), to whom a Scheduled Act applies, furnishes returns or maintains the registers as provided in the proviso to sub-section (1), nothing contained in that Scheduled Act shall render him liable to any penalty for his failure to furnish any return or to maintain any register under that Scheduled Act."

6. For the First Schedule and Second Schedule to the principal Act, the following Schedules shall be substituted, namely:—

Substitution of new Schedules for First Schedule and Second Schedule.

"THE FIRST SCHEDULE

[See section 2(d)]

1. The Payment of Wages Act, 1936 (4 of 1936).
2. The Weekly Holidays Act, 1942 (18 of 1942).
3. The Minimum Wages Act, 1948 (11 of 1948).
4. The Factories Act, 1948 (63 of 1948).
5. The Plantations Labour Act, 1951 (69 of 1951).
6. The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955).
7. The Motor Transport Workers Act, 1961 (27 of 1961).
8. The Payment of Bonus Act, 1965 (21 of 1965).
9. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966).
10. The Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970).
11. The Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976).
12. The Equal Remuneration Act, 1976 (25 of 1976).
13. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979).
14. The Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986).
15. The Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986).
16. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996).

THE SECOND SCHEDULE

[See section 2 (c)]

FORM I

[See section 4 (1)]

ANNUAL RETURN

(To be furnished to the Inspector or the authority specified for this purpose under the respective Scheduled Act before the 30th April of the following year)

(ending 31st March _____)

1. Name of the establishment, its postal address, telephone number, FAX number, e-mail address and location _____

2. Name and postal address of the employer_____
3. Name and address of principal employer, if the employer is a contractor_____
4. Name of the Manager responsible for supervision and control_____
 - (i) Name of business, industry, trade or occupation carried on by the employer—
 - (ii) Date of commencement of the business, industry, trade or occupation_____
5. Employer's number under ESI/EPF/Welfare Fund/PAN No., if any_____
6. Maximum number of workers employed on any day during the year to which this return relates to:

Category	Highly Skilled	Skilled	Semi-skilled	Un-skilled
Male				
Female				
Children (those who have not completed 18 years of age)				
Total				
7. Average number of workers employed during the year:
8. Total number of mandays worked during the year:
9. Number of workers during the year:
 - (a) Retrenched :
 - (b) Resigned :
 - (c) Terminated :
10. Retrenchment compensation and terminal benefits paid (provide information completely in respect of each worker)_____
11. Mandays lost during the year on account of—
 - (a) Strike :
 - (b) Lockout :
 - (c) Fatal accident :
 - (d) Non-fatal accidents :
12. Reasons for strike or lockout :
13. Total wages paid (wages and overtime to be shown separately):
14. Total amount of deductions from wages made :

15. Number of accidents during the years :

Reported to Inspector of Factories/Dock Safety	Reported to Employees' State Insurance Corporation	Reported to Workmen's Compensation Commissioner	Others
---	---	---	--------

Fatal

Non-fatal

16. Compensation paid under the Workmen's Compensation Act, 1923 (8 of 1923) during the year _____

(i) Fatal accidents :

(ii) Non-fatal accidents :

17. Bonus*

(a) Number of employees eligible for bonus :

(b) Percentage of bonus declared and number of employees who were paid bonus:

(c) Amount payable as bonus :

(d) Total amount of bonus actually paid and date of payment :

Signature of the Manager/Employer
with full name in capital letters.

Place:

Date:

ANNEXURE I*

Name and address of the Contractor	Period of contract From to	Nature of work	Maximum number of workers employed by each contractor	Number of days worked	Number of mandays worked
1	2	3	4	5	6

ANNEXURE II

(See Item No. 6)

Serial Number	Name of the employee/worker	Date of employment	Permanent address
1	2	3	4

*Delete, if not applicable.

FORM II

[See section 4(I)]

REGISTER OF PERSONS EMPLOYED-CUM-EMPLOYMENT CARD

Name of the establishment, address, telephone number, FAX number and e-mail address

Location of work _____

Name and address of principal employer if the employer is a contractor _____

1. Name of workman/employee _____

2. Father's/Husband's name _____

3. Address:

(i) Present _____

(ii) Permanent _____

4. Name and address of the nominee/next of kin _____

5. Designation/Category _____

6. Date of Birth/Age _____

7. Educational qualifications _____

8. Date of entry _____

9. Worker's ID No./ESI/EPF/L.W.F. No. _____

10. If the employed person is below 14 years, whether a certificate of age is maintained _____

11. Sex: Male or Female _____

12. Nationality _____

13. Date of termination of employment with reason _____

14. Signature/thumb impression of worker/employee _____

15. Signature of the employer/Authorised officer with designation _____

Signature of the contractor/
authorised representative
of the principal employer.

FORM III

[See section 4 (I)]

MUSTER ROLL-CUM-WAGE REGISTER

Name of the establishment and address _____

Location of work _____

Name and address of employer _____

1	2	3	4	5	6	7	8
Serial number	Name of the worker (ID No. if any) and father's/husband's name	Designation/category/nature of work performed	Attendance (Dates of the month 1, 2, ... to 31)	Leave due (Earned leave and other kind of admissible leave)	Leave availed (specify)	Wage rate/pay or piece rate/wages per unit	Other allowances, <i>e.g.</i> (a) Dearness Allowance (b) House Rent Allowance (c) Night Allowances (d) Displacement Allowance (e) Outward Journey Allowance
							(a)
							(b)
							(c)
							(d)
							(e)
9	10	11	12	13	14	15	16
Overtime worked number of hours in the month	Amount of overtime wages	Amount of advance and purpose of advance	Total/gross earnings	Deduction <i>e.g.</i> (a) Provident Fund (b) Advance (c) Employees' State Insurance (d) Other amount	Net amount payable (12-13)	Signature/receipt of wages/allowances for column number 14	Remarks
				(a)			
				(b)			
				(c)			
				(d)			

Certificate by the principal employer if the employer is contractor.

This is to certify that the contractor has paid wages to workmen employed by him as shown in this register.

Signature of principal employer/
authorised representative of principal employer".

Assented to on 17th December, 2014
Act No. 34 of 2014

THE CONSTITUTION (SCHEDULED CASTES) ORDERS
(AMENDMENT) ACT, 2014

AN
ACT

further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Sikkim) Scheduled Castes Order, 1978.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 2014.

Short title.

C.O. 19.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, —

(a) in PART VIII.— *Kerala*,—

(i) for entry 46, substitute,—

“46. Palluvan, Pulluvan”;

(ii) for entry 61, substitute,—

“61. Thandan (excluding Ezhuvas and Thiyyas who are known as Thandan, in the erstwhile Cochin and Malabar areas) and (Carpenters who are known as Thachan, in the erstwhile Cochin and Travancore State), Thachar (other than Carpenter)”;

Amendment of
Constitution
(Scheduled
Castes) Order,
1950.

(b) in PART IX.— *Madhya Pradesh*, for entry 18, substitute,—

“18. Dahait, Dahayat, Dahat, Dahiya”;

(c) in PART XIII.— *Orissa*,—

(i) for “ Orissa”, substitute “Odisha”;

(ii) for entry 2, substitute,—

“2. Amant, Amat, Dandachhatra Majhi, Amata, Amath”;

(iii) for entry 13, substitute,—

“13. Bedia, Bejia, Bajia”;

(iv) for entry 41, substitute,—

“41. Jaggali, Jaggili, Jagli”;

(v) for entry 69, substitute,—

“69. Pan, Pano, Buna Pana, Desua Pana, Buna Pano”;

(d) in PART XVII.—*Tripura*,—

(i) for entry 4, substitute,—

“4. Chamar, Muchi, Chamar-Rohidas, Chamar-Ravidas”;

(ii) for entry 7, substitute,—

“7. Dhoba, Dhobi”;

(iii) for entry 12, substitute,—

“12. Jalia Kaibarta, Jhalo-Malo”.

Amendment of
Constitution
(Sikkim)
Scheduled
Castes Order,
1978.

3. In the Schedule to the Constitution (Sikkim) Scheduled Castes Order, 1978, C.O. 110. entry 3 shall be omitted.

Assented to on 17th December, 2014
Act No. 35 of 2014

THE CENTRAL UNIVERSITIES (AMENDMENT) ACT, 2014

AN
ACT

further to amend the Central Universities Act, 2009.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1.(1) This Act may be called the Central Universities (Amendment) Act, 2014.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

25 of 2009

2. After section 3A of the Central Universities Act, 2009 (hereinafter referred to as the Principal Act), the following section shall be inserted, namely:—

Insertion of
new section
3B.

"3B. (1) The Central University of Bihar established under sub-section (4) of section 3 shall be known as the Central University of South Bihar, having its territorial

Special
provision
with respect
to State of
Bihar.

jurisdiction extending to the territory in the south of River Ganges in the State of Bihar, as specified in the First Schedule to this Act.

(2) There shall be established a University, which shall be a body corporate, to be known as the Mahatma Gandhi Central University, having its territorial jurisdiction extending to the territory in the north of the River Ganges in the State of Bihar, as specified in the First Schedule to this Act.”.

Amendment
of First
Schedule.

3. In the First Schedule to the principal Act, for serial number 1 and the entries relating thereto, the following serial numbers and entries shall be substituted, namely:—

Serial No.	Name of the State	Name of the University	Territorial Jurisdiction
1.	Bihar	Central University of South Bihar	Territory in the South of the River Ganges in the State of Bihar
1A.	Bihar	Mahatma Gandhi Central University	Territory in the north of the River Ganges in the State of Bihar

Assented to on 17th December, 2014
Act No. 36 of 2014

**THE TEXTILE UNDERTAKINGS (NATIONALISATION) LAWS
(AMENDMENT AND VALIDATION) ACT, 2014**

AN
ACT

further to amend the Sick Textile Undertakings (Nationalisation) Act, 1974 and the Textile Undertakings (Nationalisation) Act, 1995, in order to continue with the leasehold rights vested in the National Textile Corporation on completion of the leasehold tenure.

WHEREAS the National Textile Corporation subserves the interests of the general public and the land continue to be in possession of the said Corporation;

AND WHEREAS various other textile undertakings have been nationalised from time to time and their assets vested absolutely in the Central Government and thereafter transferred to the National Textile Corporation Limited by the Central Government free from all encumbrances;

AND WHEREAS after the nationalisation of the textile undertakings, a large sum of money have been invested with a view to making the said textile undertakings viable;

AND WHEREAS the Central Government has taken initiative to revive certain sick undertakings including the National Textile Corporation under a revival scheme sanctioned

by the Board for Industrial and Financial Reconstruction under the Sick Industrial Companies (Special Provisions) Act, 1985;

1 of 1986.

AND WHEREAS it is necessary for the proper and effective implementation of the revival scheme and to protect the public investment in the acquired textile undertakings and to explicitly clarify the status of such vesting of the lease-hold rights in the Central Government.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title
and com-
mencement.

1. (1) This Act may be called the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Act, 2014.

(2) It shall be deemed to have come into force with effect from the 24th October, 2014.

CHAPTER II

AMENDMENTS TO THE SICK TEXTILE UNDERTAKINGS (NATIONALISATION) ACT, 1974

Amendment
of section 3.

2. On and from the date of commencement of the Sick Textile Undertakings (Nationalisation) Act, 1974 (hereafter in this Chapter referred to as the principal Act), in section 3, after sub-section (2), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

57 of 1974.

“(3) Notwithstanding the transfer and vesting of any sick textile undertaking to the National Textile Corporation by virtue of sub-section (2), the lease-hold rights of the sick textile undertakings shall continue to remain vested in the Central Government on payment of lease-hold rents and shall be discharged, for and on behalf of that Government, by the National Textile Corporation as and when payment of such lease-hold rents or any amount becomes due and payable.

(4) Subject to sub-section (3), no court shall have jurisdiction to order divestment from the National Textile Corporation of the property vested in it by the Central Government.”.

Amendment
of section 4.

3. On and from the date of commencement of the principal Act, in section 4, after sub-section (7), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

“(8) Notwithstanding the fact that the textile operations have been discontinued in any sick textile undertaking being revived, shall for all effects and purposes be deemed that the textile operations are being continued and no suit or proceeding shall be instituted or if instituted be maintainable against the National Textile Corporation on the ground that it has discontinued such activity in the sick textile undertaking.

(9) For the removal of doubts, it is hereby declared that the continued deemed vesting of the lease-hold land in the Central Government shall not affect, impair or in any manner prejudice the rights of the National Textile Corporation to prosecute or defend any proceedings as a subsequent vestee in respect of any such lease-hold rights and no such proceedings shall fail only on account of the non-impleadment of that Government.”.

Insertion of
new section 41.

4. After section 40 of the principal Act, the following section shall be inserted, namely:—

Validation.

“41. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(a) the provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Act, 2014, shall have and shall be deemed always to have effect for all purposes as if the provisions of this Act, as amended by the said Act, had been in force at all material times;

(b) any lease-hold property divested from the National Textile Corporation to any person under the provisions of this Act, as it stood immediately before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Act, 2014, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the National Textile Corporation in the same manner as it was vested in the National Textile Corporation before such divesting of that property under the provisions of this Act, as if the provisions of this Act as amended by the aforesaid Act, were in force at all material times;

(c) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority, notwithstanding any undertaking filed by the National Textile Corporation in any court or tribunal or authority, directing divestment of such lease-hold property from the National Textile Corporation vested in it under section 3 of this Act, as it stood before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Act, 2014, and such lease-hold property shall continue to vest in the National Textile Corporation under section 3 of this Act, as amended by the aforesaid Act, as if the said section was in force at all material times;

(d) any transfer of any property, vested in the National Textile Corporation, by virtue of any order of attachment, seizure or sale in execution of a decree of a civil court or orders of any tribunal or other authority in respect of lease-hold property vested in the National Textile Corporation which is contrary to the provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Act, 2014, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the National Textile Corporation under this Act.”.

CHAPTER III

AMENDMENTS TO THE TEXTILE UNDERTAKINGS (NATIONALISATION) ACT, 1995

39 of 1995. **5.** On and from the date of commencement of the Textile Undertakings (Nationalisation) Act, 1995 (hereafter in this Chapter referred to as the principal Act), in section 3, after sub-section (2), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

Amendment
of section 3.

“(3) Notwithstanding the transfer and vesting of any textile undertaking to the National Textile Corporation by virtue of sub-section (2), the lease-hold rights of the textile undertakings shall continue to remain vested in the Central Government on payment of lease-hold rents and shall be discharged, for and on behalf of that Government, by the National Textile Corporation as and when payment of such lease-hold rents or any amount becomes due and payable.

(4) Subject to sub-section (3), no court shall have jurisdiction to order divestment from the National Textile Corporation of the property vested in it by the Central Government.”.

6. On and from the date of commencement of the principal Act, in section 4, after sub-section (7), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

Amendment
of section 4.

“(8) Notwithstanding the fact that the textile operations have been discontinued in any textile undertaking being revived, shall for all effects and

purposes be deemed that the textile operations are being continued and no suit or proceeding shall be instituted or if instituted be maintainable against the National Textile Corporation on the ground that it has discontinued such activity in the textile undertaking.

(9) For the removal of doubts, it is hereby declared that the continued deemed vesting of the lease-hold land in the Central Government shall not affect, impair or in any manner prejudice the rights of the National Textile Corporation to prosecute or defend any proceedings as a subsequent vestee in respect of any such lease-hold rights and no such proceedings shall fail only on account of the non-impleadment of that Government.”.

Insertion of
new section 39.

7. After section 38 of the principal Act, the following section shall be inserted, namely:—

Validation.

“39. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(a) the provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Act, 2014, shall have and shall be deemed always to have effect for all purposes as if the provisions of this Act, as amended by the said Act, had been in force at all material times;

(b) any lease-hold property divested from the National Textile Corporation to any person under the provisions of this Act, as it stood immediately before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Act, 2014, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the National Textile Corporation in the same manner as it was vested in the National Textile Corporation before such divesting of that property under the provisions of this Act as if the provisions of this Act, as amended by the aforesaid Act, were in force at all material times;

(c) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority, notwithstanding any undertaking filed by the National Textile Corporation in any court or tribunal or authority, directing divestment of such lease-hold property from the National Textile Corporation vested in it under section 3 of this Act, as it stood before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Act, 2014, and such lease-hold property shall continue to vest in the National Textile Corporation under section 3 of this Act, as amended by the aforesaid Act, as if the said section was in force at all material times;

(d) any transfer of any property, vested in the National Textile Corporation, by virtue of any order of attachment, seizure or sale in execution of a decree of a civil court or orders of any tribunal or other authority in respect of lease-hold property vested in the National Textile Corporation which is contrary to the provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Act, 2014, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the National Textile Corporation under this Act.”.

Repeal and
saving.

8. (1) The Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014 is hereby repealed.

Ord. 6 of
2014.

(2) Notwithstanding the repeal of the Textile Undertakings (Nationalisation) Laws Ord. 6 of 2014. (Amendment and Validation) Ordinance, 2014, anything done or any action taken under the principal Acts as amended by the said Ordinance shall be deemed to have been done or taken under the principal Acts, as amended by this Act.